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**AB-457 Farmworker housing: streamlined, ministerial approval: Counties of Fresno, Madera, and Merced.** (2025-2026)

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**Assembly Bill No. 457**

**CHAPTER 490**

An act to amend Section 17021.8 of the Health and Safety Code, relating to housing.

[ Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 457, Soria. Farmworker housing: streamlined, ministerial approval: Counties of Fresno, Madera, and Merced.

Existing law authorizes a development proponent to submit an application for an eligible agricultural employee housing development that is subject to a streamlined, ministerial approval process, as specified, and is not subject to a conditional use permit if certain requirements are met, including that the development is located on specified land in the County of Santa Clara or the County of Santa Cruz and is within 15 miles of an area designated as farmland or grazing by the Department of Conservation and is not a site or adjoined to a site where more than  $\frac{1}{3}$  of the square footage on the site is dedicated to industrial use, as specified. The act defines an eligible agricultural housing development as an agricultural employee housing development that meets certain requirements, including that the development does not contain more than 36 units or spaces, or 150 units or spaces for developments located in the County of Santa Clara or the County of Santa Cruz, designed for use by a single family or household.

This bill would expand eligibility for the approval process under these provisions to include a development located in the Counties of Fresno, Madera, or Merced that meets the above-described requirements that it be located within 15 miles of an area designated as farmland or grazing and not on a site or adjoined to a site where more than  $\frac{1}{3}$  of the square footage on the site is dedicated to industrial use, as specified. The bill would also increase the maximum number of units in an eligible agricultural employee housing development from 36 units to 150 units if the development is located in the Counties of Fresno, Madera, or Merced. By expanding the scope of developments eligible for approval, thereby increasing the duties of local officials, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Fresno, Madera, and Merced.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 17021.8 of the Health and Safety Code is amended to read:

**17021.8.** (a) A development proponent may submit an application for a development that is subject to a streamlined, ministerial approval process, provided in subdivision (b), and is not subject to a conditional use permit if all of the following requirements are met:

(1) The development is located on land that meets one of the following:

(A) Is designated as agricultural in the applicable city or county general plan.

(B) Is located in the Counties of Fresno, Madera, Merced, Santa Clara, or Santa Cruz, is within 15 miles of an area designated as farmland or grazing by the Department of Conservation, and is not a site or adjoined to a site where more than one-third of the square footage on the site is dedicated to industrial use. For the purposes of this subparagraph, parcels separated by a street shall be considered adjoined.

(2) The development is not located on a site that is any of the following:

(A) Within the coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901)), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

(F) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(I) Lands under conservation easement. For purposes of this section, "conservation easement" shall not include a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code).

(J) Lands with groundwater levels within five feet of the soil surface and for which the development would be served by an onsite wastewater disposal system serving more than six family housing units.

(3) The development is an eligible agricultural employee housing development that satisfies the requirements specified in subdivision (i).

(b) (1) If a local government determines that a development submitted pursuant to this section does not meet the requirements specified in subdivision (a), the local government shall provide the development proponent written documentation of which requirement or requirements the development does not satisfy and an explanation for the reason or reasons the development does not satisfy the requirement or requirements, as follows:

(A) Within 30 days of submission of the development to the local government pursuant to this section if the development contains 50 or fewer housing units.

(B) Within 60 days of submission of the development to the local government pursuant to this section if the development contains more than 50 housing units.

(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the requirements specified in paragraph (2) of subdivision (a).

(c) The local government's planning commission or an equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate, may conduct a development review or public oversight of the development. The development review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective development standards described in this section. For purposes of this subdivision, "objective development standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submission. The development review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submission of the development to the local government pursuant to this section if the development contains 50 or fewer housing units.

(2) Within 180 days of submission of the development to the local government pursuant to this section if the development contains more than 50 housing units.

(d) An agricultural employee housing development that is approved pursuant to this section shall not be subject to the density limits specified in Section 17021.6 in order to constitute an agricultural land use for purposes of that section.

(e) Notwithstanding Section 17021.6, a local government may subject an agricultural employee housing development that is approved pursuant to this section to the following written, objective development standards:

(1) (A) A requirement that the development have adequate water and wastewater facilities and dry utilities to serve the project.

(B) A requirement that the development be connected to an existing public water system that has not been identified as failing or being at risk of failing to provide an adequate supply of safe drinking water.

(C) If the development proposes to include 10 or more units, a requirement that the development connect to an existing municipal sewer system that has adequate capacity to serve the project. If the local agency has adopted an approved local agency management program for onsite wastewater treatment systems, those requirements shall apply to the development.

(2) A requirement that the property on which the development is located be either:

(A) Within one-half mile of a duly designated collector road with an Average Daily Trips (ADT) of 6,000 or greater.

(B) Adjacent to a duly designated collector road with an ADT of 2,000 or greater.

(3) A requirement that the development include off-street parking based upon demonstrated need, provided that the standards do not require more parking for eligible agricultural employee housing developments than for other residential uses of similar size within the jurisdiction.

(4) Notwithstanding Section 17020 or any other law, health, safety, and welfare standards for agricultural employee housing, including, but not limited to, density, minimum living space per occupant, minimum sanitation facilities, minimum sanitation requirements, and similar standards.

(5) Standards requiring that if a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

(f) Neither the approval of a development pursuant to this section, including the permit processing, nor the application of development standards pursuant to this section shall be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Notwithstanding Section 17021.6, a local agency may impose fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the eligible agricultural employee housing development.

(h) This section shall not be construed to:

(1) Prohibit a local agency from requiring an eligible agricultural employee housing development to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with subdivision (e) and appropriate to, and consistent with, meeting the jurisdiction's need for farmworker housing, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583 of the Government Code.

(2) Prohibit a local agency from disapproving an eligible agricultural employee housing development if the eligible agricultural employee housing development as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower income households, as defined in Section 50079.5, or rendering the development financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) Prohibit a local agency from disapproving an eligible agricultural employee housing development if that project would be in violation of any applicable state or federal law.

(4) Change any obligations to comply with any other existing laws, including, but not limited to, Section 116527, Section 106.4 of the Water Code, Division 7 (commencing with Section 13000) of the Water Code, and Part 12 (commencing with Section 116270) of Division 104.

(i) For purposes of this section, "eligible agricultural employee housing development" means an agricultural employee housing development that satisfies all of the following:

(1) The agricultural employee housing does not contain dormitory-style housing.

(2) The development consists of no more than either of the following:

(A) Thirty-six units or spaces designed for use by a single family or household.

(B) One hundred fifty units or spaces designed for use by a single family or household if the development is located in the Counties of Fresno, Madera, Merced, Santa Clara, or Santa Cruz.

(3) (A) Except as otherwise provided in subparagraph (B), the agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified pursuant to Section 17030.10. The development proponent shall submit proof of issuance of the qualified affordable housing organization's certification by the enforcement agency. The qualified affordable housing organization shall provide for onsite management of the development.

(B) In the case of agricultural employee housing that is maintained and operated by a local public housing agency or a multicounty, state, or multistate agency that has been certified as a qualified affordable housing organization as required by this paragraph, that agency either directly maintains and operates the agricultural employee housing or contracts with another qualified affordable housing organization that has been certified pursuant to Section 17030.10.

(C) The local government ensures an affordability covenant is recorded on the property to ensure the affordability of the proposed agricultural employee housing for agricultural employees for not less than 55 years. For purposes of this paragraph, "affordability" means the agricultural housing is made available at an affordable rent, as defined in Section 50053, to lower income households, as defined in Section 50079.5.

(4) The agricultural employee housing is not ineligible for state funding pursuant to paragraph (1) of subdivision (b) of Section 50205 or paragraph (1) of subdivision (b) of Section 50517.10. All subdivisions of agricultural employee housing in the development and the entire scope of the development are not ineligible for funding pursuant to paragraph (1) of subdivision (b) of Section 50205 or paragraph (1) of subdivision (b) of Section 50517.10. The use of the term "unit or space" shall not be construed to limit those provisions' prohibition on the use of state funding to support H-2A employer obligations. Consistent with paragraph (2) of subdivision (b) of Section 50205 and paragraph (1) of subdivision (b) of Section 50517.10, any employer or other recipient of state funding who utilizes state funding for a purpose prohibited under those provisions shall reimburse the state or the state agency that provided the funding in an amount equal to the amount of that state funding expended for those prohibited purposes.

(j) For purposes of this section, "agricultural employee housing" means employee housing for agricultural employees as both terms are defined in Sections 17008 and 17021, respectively.

(k) For the purposes of this section:

(1) "Dedicated to industrial use" means any of the following:

(A) The square footage is currently being used as an industrial use.

(B) The most recently permitted use of the square footage is an industrial use, and the site has been occupied within the past three years.

(C) The site was designated for industrial use in the latest version of a local government's general plan adopted before January 1, 2022, and residential uses are not the principally permitted use.

(2) (A) Except as otherwise provided in subparagraph (B), "industrial use" means utilities, manufacturing, transportation storage and maintenance facilities, warehousing uses, and any other use that is a source that is subject to permitting by a district, as defined in Section 39025, pursuant to Division 26 (commencing with Section 39000), or the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(B) "Industrial use" does not include any of the following:

(i) Power substations or utility conveyances, including, but not limited to, power lines, broadband wires, or pipe.

(ii) A use where the only source permitted by a district is an emergency backup generator.

(iii) Self-storage for the residents of a building.

(l) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of agricultural employee housing as are commensurate with local need. The Legislature further finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

**SEC. 2.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to build agricultural employee housing in the Counties of Fresno, Madera, and Merced.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.